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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,617	03/15/2004	Shannon G. Parsons	1007.002	2616

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/708,617	Applicant(s) PARSONS, SHANNON G.	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 24,25,27,28,34 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23,26,29-33,36 and 37 is/are rejected.
- 7) ☒ Claim(s) 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second office action for application number 10/708,617, Display Adjustably Positionable About Swivel and Pivot Axes, filed on March 15, 2004.

Election/Restrictions

Claims 24, 25, 27, 28, 34, and 35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 3, 2006.

Drawings

Figure 12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "56" has been used to designate both a vertical member and an overhead track. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any

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amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: in paragraph 60, line 3, "50can" should be --50 can--; in paragraph 63, line 10, "68" appears to be incorrect and should be --38--; and in paragraph 71, line 14, "sent" appears to be incorrect and should be --send--.

Appropriate correction is required.

Claim Objections

Applicant is advised that should claim 9 be found allowable, claim 10 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 12 is objected to because of the following informality: in line 4, --end-- should be inserted after "distal". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States; and

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9-11, 14-16, 18, 19, 23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,836,478 to Sweere. Sweere discloses an electronic display assembly (10), comprising a first arm (40) rotatable about a swivel axis (@98); a second arm (36) coupled to the first arm, the second arm pivotable about a pivot axis (@42) orthogonal to the swivel axis; an electronic display (12) coupled to the second arm and adjustably positionable both about the swivel axis by rotation of the first arm and about the pivot axis by pivoting the second arm; wherein the display is adjustably positionable about the swivel axis independent of its positioning about the pivot axis; wherein the display is adjustably positionable about the pivot axis independent of its positioning about the swivel axis; wherein the first arm includes first and second distal ends, the first distal end being disposed adjacent the second arm and wherein the

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swivel axis passes through the second distal end of the first arm; wherein the second arm includes first and second distal ends, the first distal end being disposed adjacent the first arm and the second distal end being disposed adjacent the display, and wherein the pivot axis passes through the first distal end and the second arm; a second pivot axis (lower element 42) orthogonal to the swivel axis, the display being adjustably positionable about the second pivot axis; wherein a portion of the display is rotatable about a second swivel axis (@32); and wherein the first arm is mounted to a wall (130).

In regards to claim 26, Sweere discloses an assembly comprising: a carriage (94) movable along a translation axis; a swivel arm (40) coupled to the carriage, the swivel arm rotatable about a swivel axis; a pivot arm (36) coupled to the swivel arm, the pivot arm pivotable about a pivot axis; an electronic display (12) coupled to the pivot arm and adjustably positionable along the translation axis by movement of the carriage, about the swivel axis, and about the pivot axis; and wherein the swivel axis remains orthogonal to the translation axis throughout the adjustable positioning of the display, and the pivot axis remains non-orthogonal to the translation axis through a range of adjustable positioning of the display.

Claims 1, 9-11, 14-19, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,639,789 to Beger. Beger discloses an electronic display assembly, comprising a first arm (450) rotatable about a swivel axis; a second arm (460) coupled to the first arm, the second arm pivotable about a pivot axis (@462) orthogonal to the swivel axis; an electronic display (1600) coupled to the second arm and adjustably positionable both about the swivel axis by rotation of the first arm and

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about the pivot axis by pivoting the second arm; wherein the display is adjustably positionable about the swivel axis independent of its positioning about the pivot axis; wherein the display is adjustably positionable about the pivot axis independent of its positioning about the swivel axis; wherein the first arm includes first and second distal ends, the first distal end being disposed adjacent the second arm and wherein the swivel axis passes through the second distal end of the first arm; wherein the second arm includes first and second distal ends, the first distal end being disposed adjacent the first arm and the second distal end being disposed adjacent the display, and wherein the pivot axis passes through the first distal end and the second arm; a second pivot axis (464) orthogonal to the swivel axis, the display being adjustably positionable about the second pivot axis; wherein a portion of the display is rotatable about a second swivel axis (@1606); and wherein the first arm is mounted to a ceiling.

Claims 1-3, 5, 6, 9, 10, 11, 14-17, 19, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,817,585 to Wagner et al., hereinafter Wagner. Wagner discloses an electronic display assembly (Figs. 1 & 14), comprising: a first arm rotatable about a swivel axis; a second arm coupled to the first arm, the second arm pivotable about a pivot axis orthogonal to the swivel axis; an electronic display (14') coupled to the second arm and adjustably positionable both about the swivel axis by rotation of the first arm and about the pivot axis by pivoting the second arm; an apparatus (18) for receiving a person in a resting position; wherein the apparatus is a medical support apparatus for a patient; wherein the apparatus is an operating table; wherein the apparatus comprises a bed; wherein the display is

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adjustably positionable about the swivel axis independent of its positioning about the pivot axis; wherein the first arm includes first and second distal ends, the first distal end being disposed adjacent the second arm, and wherein the swivel axis passes through the first distal end of the first arm; wherein the first arm includes first and second distal ends, the first distal end being disposed adjacent the second arm, and wherein the swivel axis passes through the second distal end of the first arm; wherein the second arm includes first and second distal ends, the first distal end being disposed adjacent the first arm and the second distal end being disposed adjacent the display, and wherein the pivot axis passes through the first distal end of the second arm; a second pivot axis orthogonal to the swivel axis, the display being adjustably positionable about the second pivot axis; wherein the second arm includes first and second distal ends, the first distal end being disposed adjacent the first arm and the second distal end being disposed adjacent the electronic display, and wherein the pivot axis passes through the second distal end of the second arm; wherein a first portion of the display is rotatable about a second pivot axis; and the first arm is mounted to a ceiling.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beger in view of U.S. patent 6,659,415 to Kummerfeld et al., hereinafter, Kummerfeld or U.S. Patent 3,950,086 to Schulman et al., hereinafter Schulman. Beger discloses that the assembly can be used in an operating area. Beger discloses the claimed invention except for the limitation of an apparatus for receiving a person in a resting position and the apparatus is a medical support apparatus. Both Kummerfeld and Schulman teach an assembly and an apparatus for receiving a person in a resting position and wherein the apparatus is a medical support apparatus for a patient. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used an apparatus as taught by both Kummerfeld and Schulman since Beger discloses that the assembly is intended to be used in an operating area and it is generally known to have the apparatus taught by both Kummerfeld and Schulman, respectively, in such an area.

Claims 4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beger in view of Schulman. Beger discloses the claimed invention except for the limitation of the apparatus being a dental chair, a chair or a recliner. Schulman teaches an assembly used in combination with an apparatus (13) wherein the apparatus is a dental chair that reclines. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used a dental chair as taught by Schulman since Beger discloses that the assembly is intended to be used in an operating area and it is generally known to have a dental chair as taught by Schulman, respectively, in such an area.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beger in view of Kummerfeld. Beger discloses the claimed invention except for the limitation of the apparatus being an operating table or a bed. Kummerfeld teaches an assembly used in combination with an apparatus (43) wherein the apparatus is a treatment table. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used a treatment table as taught by Kummerfeld since Beger discloses that the assembly is intended to be used in an operating area and it is generally known to have a table/bed as taught by Kummerfeld, respectively, in such an area.

Claims 12, 13, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beger or Wagner in view of U.S. Patent 6,899,442 to Howell et al., hereinafter Howell. Beger and Wagner disclose the claimed invention except for the limitation of a second swivel axis passing through the second distal end of the first arm while the swivel axis passes through the first distal end of the first arm. Howell teaches an assembly having a first arm (50, 62) rotatable about a swivel axis (56), a second arm (66) coupled to the first arm and pivotable about a pivot axis (126) orthogonal to the swivel axis, an electronic display (42) coupled to the second arm, wherein the first arm includes first and second distal ends, the first distal end being disposed adjacent the second arm, and wherein the swivel axis passes through the first distal end of the first arm, a second swivel axis (64) about which the second arm is rotatable, the second swivel axis passing through the second distal end of the first arm, wherein the second swivel axis is parallel to the first swivel axis, wherein a first portion of the display is

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rotatable about a third pivot axis (132). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first and second arm arrangement in Beger or Wagner to have included the arm arrangement as taught by Howell for the purpose of providing more degrees of adjustment of the assembly in regards to the supporting structure and electronic display.

Claims 29-33, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulman in view of Howell. Schulman discloses a variably adjustable electronic display assembly for viewing by a person in a resting position, comprising: an overhead track (11); a carriage (14) movable along a translation axis; a swivel arm (17) coupled to the carriage; and an electronic display (21) coupled to the swivel arm.

Schulman discloses the claimed invention except for the limitations of a pivot arm, a second swivel axis, a first pivot axis, a second pivot axis, a third pivot axis, and a third swivel axis. Howell teaches an assembly having a first arm (50, 62) rotatable about a swivel axis (56), a second arm (66) coupled to the first arm and pivotable about a pivot axis (126) orthogonal to the swivel axis, an electronic display (42) coupled to the second arm, wherein the first arm includes first and second distal ends, the first distal end being disposed adjacent the second arm, and wherein the swivel axis passes through the first distal end of the first arm, a second swivel axis (64) about which the second arm is rotatable, the second swivel axis passing through the second distal end of the first arm, wherein the second swivel axis is parallel to the first swivel axis, wherein a first portion of the display is rotatable about a third pivot axis (132). It would have

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been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first and second arm arrangement in Schulman to have included the arm arrangement as taught by Howell for the purpose of providing more degrees of adjustment of the assembly in regards to the supporting structure and electronic display

Allowable Subject Matter

Claim 38 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,798,938 to Jewell

U.S. Patent 3,164,355 to Seitz et al.

U.S. Patent 3,240,925 to Paschke et al.

U.S. Patent 4,934,933 to Fuchs

U.S. Patent 5,538,214 to Sinila

U.S. Patent 6,027,247 to Tachi et al.

U.S. Patent 6,719,253 to Oddsen, Jr.


U.S. Patent 6,779,767 to Kuhn

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Kimberly Wood can be reached on (571) 272-6826. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

March 20, 2006